IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

HENRY CAMPBELL, et. al.,)
Plaintiffs,) No. 16-cv-08719 (AJN)
v.) (JURY TRIAL DEMANDED)
CITY OF NEW YORK, NEW YORK,)
Defendant.)))

NOTICE OF LAWSUIT AGAINST CITY OF NEW YORK

TO: All present and former employees who work or who have worked as Peace Officer or Sergeant for the City of New York at Department of Homeless Services facilities for any time period since November 9, 2013.

1. INTRODUCTION

The purpose of this Notice is to: (1) inform you of the existence of a collective action lawsuit that you have the right to join; (2) advise you of how your rights may be affected by this lawsuit; and (3) instruct you on the procedure for joining this lawsuit, should you choose to do so.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR DEFENDANT'S DEFENSES.

2. DESCRIPTION OF THE LAWSUIT

A group of 5 employees of the City of New York's Department of Homeless Services facilities have sued the City of New York on behalf of themselves and all other similarly situated persons to recover alleged unpaid overtime wages under the Fair Labor Standards Act (FLSA). The plaintiffs allege that they are owed unpaid wages for overtime based on the claim that the City of New York violated the FLSA by failing to pay plaintiffs for all hours worked in excess of 40 hours per week. To date, 234 employees have opted-in to the lawsuit. Plaintiffs seek backpay for the alleged FLSA overtime pay violation going back to November 9, 2013. Plaintiffs also seek an additional equal amount as liquidated damages, as well as attorneys' fees and costs.

Defendant maintains that all employees employed by the City of New York at any Department of Homeless Services facility were compensated appropriately and lawfully, and that Plaintiffs' lawsuit has no merit.

3. COMPOSITION OF THE COLLECTIVE ACTION

Plaintiffs seek to sue on behalf of themselves and also on behalf of all persons who have worked for the City of New York, New York, at any of its Department of Homeless Services facilities at any time since November 9, 2013, as Peace Officers or Sergeants.

4. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you have worked as a Peace Officer or Sergeant for the City of New York, New York's Department of Homeless Services facilities at any time since November 9, 2013, you may join this lawsuit.

To join you must mail the "Consent to Become Party Plaintiff" form attached to this document to plaintiffs' counsel so that it is postmarked by [60 days from date notice is approved by the Court], which is the last day that plaintiffs can join or "opt-in" to this lawsuit.

Plaintiffs' counsel's address is:

Gregory K. McGillivary
David Ricksecker
WOODLEY & McGILLIVARY LLP
1101 Vermont Avenue, N.W., Suite 1000
Washington, D.C. 20005
(202) 833-8855 (phone)
(866) 833-8860 (toll-free)
(202) 452-1090 (Facsimile)
gkm@wmlaborlaw.com

Hope Pordy Spivak Lipton LLP 1700 Broadway, Floor 21 New York, NY 10019 (212) 765-2100 (phone) hpordy@spivaklipton.com

If you fail to return the "Consent To Become Party Plaintiff" form so that it is received by plaintiffs' counsel postmarked by [60 days from date notice is approved by the Court] you will not be included in this lawsuit. If you do not want to join this lawsuit, you do not need to do anything.

5. EFFECT OF JOINING THIS LAWSUIT

If you choose to join the lawsuit, you will be bound by the Court Judgment or settlement, if any, of the parties involved. That is, when the Court decides whether the City of New York, New York violated the FLSA, that decision will apply to all persons who have joined this lawsuit.

If you join you will receive a letter from plaintiffs' counsel within 14 days of joining, and if you do not receive this letter you should contact the attorneys at the above address. Plaintiffs' counsels are being paid on a contingency fee basis, which means that if there is no recovery, the attorneys will not charge you a fee for their services. If there is a recovery, plaintiffs' counsels will be paid a portion of any settlement obtained or money judgment awarded by the jury or the Court.

By joining this lawsuit, you will designate individually named plaintiffs Henry Campbell, Jermaine Abraham, Edwin Rosario, Jessica Maniotis and Sheri Silver as your agents for purposes of the claim of failure to compensate overtime work performed. These individuals will be authorized to make decisions on your behalf concerning all aspects of the lawsuit for which they have been designated as your agent. If you join the lawsuit, plaintiffs' counsel will become your attorneys, and you will be entitled to communicate with, provide input, and receive advice directly from them.

If you join this lawsuit, you may be asked to give testimony and information, including producing documents, about your work for the Department of Homeless Services, to help the Court decide if the defendants have violated the FLSA.

6. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you will not be affected by any decisions, judgments or settlement rendered in this case, whether favorable or unfavorable. It is entirely your own decision to join this lawsuit.

7. FURTHER INFORMATION

Further information about this lawsuit and/or the deadline for filing a "Consent to Become Party Plaintiff," may be obtained by writing, sending an e-mail, or calling plaintiffs' counsel.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this lawsuit, your interests will be represented by the plaintiffs named in paragraph 5, through their attorneys, as counsel for the collective action opt-ins. In addition to plaintiffs' attorneys Gregory K. McGillivary and David Ricksecker, counsel for the opt-in class includes Hope Pordy, Spivak Lipton LLP, 1700 Broadway, Floor 21, New York, NY 10019, (212) 765-2100, hpordy@spivaklipton.com.

If you choose to join this lawsuit, you may elect to retain your own counsel. If you retain your own counsel, you will not be represented by the above-listed counsel for the opt-in class.

Defendant City of New York is represented in this action by the following counsel: Kerrin A. Bowers in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, 100 Church Street, New York, New York 10007, (212) 356-2473, kbowers@law.nyc.gov.